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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **SEATTLE DIVISION**

11 FOTOHAUS, LLC,

12 Plaintiff,

13 v.

14 PARATEX PROPERTIES LLC dba
15 PARATEX PEST PREVENTION,

16 Defendant.

CASE NO. 2:21-cv-01444

**COMPLAINT FOR OPYRIGHT
INFRINGEMENT
(INJUNCTIVE RELIEF
DEMANDED)**

17 Plaintiff FOTOHAUS, LLC by and through its undersigned counsel, brings this
18 Complaint against Defendant PARATEX PROPERTIES LLC dba PARATEX PEST
19 PREVENTION for damages and injunctive relief, and in support thereof states as follows:

20 **SUMMARY OF THE ACTION**

21 1. Plaintiff FOTOHAUS, LLC ("Fotohaus") brings this action for violations of
22 exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Fotohaus'
23 original copyrighted Work of authorship.

24 2. Daniel Foster, owner and principal photographer of Fotohaus, has a history of
25 taking highly unique abstract architecture photographs that focus on lines and geometry. His
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works have been featured 18 times in the highly-coveted “Explore” section of Flickr. More than 86,000 fans follow his work on Instagram. Daniel is a member of the Royal Photographic Society and Professional Photographers of America. His work has been published online and offline through a variety of publications, including National Geographic, der Freitag, the World Wildlife Fund, and Smithsonian. Daniel licenses his work commercially on a selective basis and is currently working to establish himself as a fine art photographer. His prints are available for purchase through Saatchi Art.

3. Defendant PARATEX PROPERTIES LLC dba PARATEX PEST PREVENTION (“Paratex”) is a pest control services company. At all relevant times herein, Paratex is the owner and operator for the website URL www.paratex.com (the “Website”).

4. Fotohaus alleges that Paratex copied Fotohaus’ copyrighted Work from the internet in order to advertise, market and promote its business activities. Paratex committed the violations alleged in connection with Paratex’s business for purposes of advertising and promoting sales to the public in the course and scope of the Paratex’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Washington.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Paratex Properties LLC dba Paratex Pest Prevention is a Limited Liability Company, with its principal place of business at 423 S. Horton Street, Seattle, WA 98134, and can be served by serving its Registered Agent, Jennifer Osborn, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2013, Fotohaus created the photograph entitled Shipping Containers 2, which is shown below and referred to herein as the “Work”.

11. Fotohaus registered the Work with the Register of Copyrights on December 31, 2013 and was assigned the registration number VA 1-905-231. The Certificate of Registration is attached hereto as Exhibit 1.

12. Fotohaus’ Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times Fotohaus was the owner of the copyrighted Work at issue in this case.



INFRINGEMENT BY DEFENDANT

14. Paratex has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Paratex copied the Work.

16. Paratex copied Fotohaus' copyrighted Work without Fotohaus' permission.

17. After Paratex copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its advertisement for fumigation services.

18. Paratex copied and distributed Fotohaus' copyrighted Work in connection with Paratex's business for purposes of advertising and promoting Paratex's business, and in the course and scope of advertising and selling products and services.

19. Fotohaus's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

20. Paratex committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

21. Fotohaus never gave Paratex permission or authority to copy, distribute or display the Work at issue in this case.

22. Fotohaus notified Paratex of the allegations set forth herein on January 28, 2021. To date, the parties have failed to resolve this matter. A copy of the Notice to Paratex is attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

23. Plaintiff incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Fotohaus owns a valid copyright in the Work at issue in this case.

25. Fotohaus registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Paratex copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Fotohaus' authorization in violation of 17 U.S.C. § 501.

27. Paratex performed the acts alleged in the course and scope of its business activities.

28. Paratex's acts were willful.

29. Fotohaus has been damaged.

30. The harm caused to Fotohaus has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant Paratex Properties LLC dba Paratex Pest Prevention that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Paratex's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

1 c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable
2 statutes sued upon;

3 d. Plaintiff be awarded pre and post-judgment interest; and

4 e. Plaintiff be awarded such other and further relief as the Court deems just and
5 proper.

6 **JURY DEMAND**

7 Plaintiff hereby demands a trial by jury of all issues so triable.

8
9 DATED: October 22, 2021

Respectfully submitted,

10 /s/ Joel B. Rothman

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